

ELECTRONICALLY FILED

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DATE FILED: 8/19/08

United States District Court
Southern District of New York

-----X
Alpha Capital Anstalt,

Plaintiff,

-against-

Xechem International, Inc.,

Defendant.
-----X

MAARER, J.
August 14, 2008
The order to show cause is denied. There is no great need for urgency and apparently defendant has not been served and counsel for defendant has not been contacted. The Order To Show Cause is not adequate to surrounding the matter should counsel for defendant be contacted and agree to appear.
08 CV 7336 (VM)

*Spordent
Paul M. Mitty
USDS*

Part I

Upon the annexed Affirmation of Konrad Ackermann declared under penalties of perjury under the laws of the United States of America on August 18, 2008, upon the Summons and Complaint and upon all prior pleadings and proceedings heretofore had herein;

Let Defendant Xechem International, Inc. ("Xechem") show cause before Hon.

✓ _____ in Courtroom ____ at the Courthouse located at 500 Pearl Street,
✓ New York, New York 10007 on the ____ day of August, 2008 at 9:30 A.M. or as soon thereafter as counsel can be heard why an order pursuant to Fed. R. Civ. P. Rule 65 and 28 U.S.C. §2201 should not be entered, pending final determination of this action directing Xechem to:

i) deliver forthwith 55,052,055 shares of Xechem common stock; and

ii) honor all future requests duly submitted by Alpha Capital to convert all or any portion of the Xechem 8% Secured Convertible Debentures purchased by Alpha Capital into common stock in accordance with the agreement of the parties.

MEMO ENDORSED

MEMO ENDORSED

Sufficient cause appearing therefor, it is

Ordered that answering papers, if any, must be served on Kenneth A. Zitter, Esq., 260 Madison Avenue, 18th Floor, New York, New York 10016 at least three days prior to the return date hereof; and it is further,

Ordered that service of the Order to Show Cause, together with the papers upon which it is based, by overnight federal express upon Xechem International, Inc. at its principal executive offices located at 379 Thornall, Edison, New Jersey 08818, att: Ramesh C. Pandey, Chief Executive Officer, with a copy by telefax to Mitchell D. Goldsmith at fax number 312-527-3194 such mailing and telefaxing to take place on or before the day of August, 2008, be deemed good and sufficient service.

Dated: New York, New York
August , 2008

ENTER:

U.S.D.J. 